

SB 5962.E - DIGEST

(DIGEST AS ENACTED)

Provides that, if a farmer prevails in any action, claim, or counterclaim that alleges agricultural activity on a farm to be a nuisance, or that is based on an unverified complaint, the farmer may recover the full amount of costs and expenses determined by the court to have been reasonably incurred by the farmer in defending against the action, claim, or counterclaim.

Provides that, if the court finds that the action, claim, or counterclaim was initiated maliciously and without probable cause, the farmer may also recover exemplary damages.

Authorizes a court to order the person making an unverified complaint to pay the investigating agency its full investigative costs.

Declares that, as used in this act, "unverified complaint" means a complaint filed by a person in which agricultural activity on a farm is alleged to have violated specified laws, rules, or ordinances and upon investigation the investigating agency or a court determines that the farm is in conformity with the specified laws, rules, or ordinances allegedly violated and the complaint was unfounded at the time it was initiated.

Requires a seller of real property located within one mile of the property boundary of a farm or farm operation to make available to the buyer the following statement: "This notice is to inform prospective residents that the real property they are about to acquire lies within one mile of the property boundary of a farm. The farm may generate usual and ordinary noise, dust, odors, and other associated conditions, and these practices are protected by the Washington right to farm act."